

Editorial

In 2020 we marked 20 years since the *Journal* first appeared in 2001 and, with its twenty-first volume, it has blossomed into full adulthood. This issue appears as the African human rights system, similarly, marks its evolution into greater maturity. In 2021 Africa celebrates 40 years since the adoption (on 27 June 1981) of the (Banjul) African Charter on Human and Peoples' Rights, and 35 years since its entry into force (on 21 October 1986). The second issue of the *Journal*, to appear in December 2021, will in major part be devoted to scholarship on the evolution, growth and contemporary relevance of the African Charter.

We noted in the previous issue that up to the end of 2020, a total of 517 contributions had been published, at an average rate of around 13 contributions per issue. This issue contains 24 contributions, significantly more than the average over the first 20 years. This increase now appears to be a trend, with 20 contributions in the last issue of 2020, and 24 contributions in the current issue. Compared to most comparable journals, this is a significant number. Three factors drive the publication of such a significant number of contributions. The first is the large and ever-increasing number of submissions we receive, indicating the need for a journal of this kind to be an outlet for scholarship by African scholars and on African-focused human rights topics. The second factor is our ambition to provide opportunities to emerging scholars, and to 'walk the extra mile' to bring a submission into a publishable format. The third is the dedication of our editorial team, in particular Ms Isabeau de Meyer, the *Journal's* publication manager, which facilitates the processing of this large number of manuscripts.

A further sign of the maturation of the African regional human rights system appears from the evolution of the self-standing treaty body architecture devoted to the rights of children in Africa. Last year noted the 30-year milestone since the adoption (on 11 July 1990) of the African Charter on the Rights and Welfare of the Child (African Children's Charter). The *Journal* devoted part of its last issue of 2020

to the first of a two-part special focus section on children. This issue contains the second part of the special focus section, comprising an editorial by Dr Nkatha Murungi and six articles, bringing to ten the total number of articles appearing in the two special sections.

The articles in this issue of the *Journal* cover a broad range of thematic concerns, but all grapple with aspects of particular relevance to Africa and Africans.

The first four articles deal with aspects of the African human rights system, which remains one of the areas in respect of which the *Journal* invites and publishes numerous scholarly contributions. While the second two articles concern aspects dealt with explicitly in the African Charter (or its Women's Rights Protocol), the first (by Kariseb) examines the functioning of the African Commission's special procedure mechanisms. These special mechanisms are not explicitly provided for in the African Charter, and their establishment is an example of the progressive interpretation of its mandate by the African Commission on Human and Peoples' Rights (African Commission). Of the 42 state parties to the African Women's Protocol, only 17 have submitted a report under article 26 of the Protocol. Johnson's article identifies obstacles experienced by state parties in reporting to the African Commission. The inclusion of justiciable socio-economic rights is one of the most notable features of the African Charter. Amin interrogates the suitability of a 'teleological approach' to their interpretation. Mujuzi discusses the right to return to one's country, as provided for under article 12(2) of the African Charter.

The next three articles deal with issues of broader continental relevance. Atabongawung ponders the implication of a legally-binding instrument on business and human rights for the right to development in Africa. It should be recalled that the right to development has been made justiciable in the African Charter. Ntlama-Makhanya and Lubisi-Bizani explore the implications and relevance of the African Union's Agenda 2063 for women's access to justice. Against the background of the COVID-19 pandemic, Makwaiba contemplates how best the balance is struck between the individual's fundamental human rights and the protection of the public.

The sub-regional dimension remains of great relevance in Africa. Even as the movement towards regional integration accelerates, it is clear that effectively functioning regional economic communities form the building blocks for greater regionalism. As much as African sub-regional arrangements have come about as pivots for economic

development, they also play important roles in peace and security. Gichana makes a case for a greater institutional and normative role for sub-regional organisations in respect of coercive measures against states, under the mantle of the 'responsibility to protect'.

The *Journal* then turns to country-focused analyses. The countries covered are Kenya (with contributions by Igbayiloye and Bradlow; Bwire, Akech and Meroka-Mutua; and Koske and Milej); Nigeria (with articles by Eyongndi and Adebimpe); South Africa (with a contribution by Lasseko-Phooko and Mahomed); Tanzania (with Kaniki contributing an article); and Zimbabwe (with an article by Kasuso and Madebwe).

As is customary, the issue contains a section in which recent developments are discussed. Chamberlain and Khunou explore the far-reaching impact of a recent decision of the High Court of South Africa sitting in Pietermaritzburg, KwaZulu-Natal (*Mshengu v uMsunduzi Local Municipality*), on the realisation of the right of access to water for people living on farms. Kondo, Masike, Chihera and Mbonderi look at judicial decisions on Zimbabwe's constitutional socio-economic rights, culminating in the 2018 Supreme Court decision in *City of Harare v Mushoriwa*.

Our sincere appreciation and thanks go to all who have been involved in making the *AHRLJ* the quality and well-regarded journal it has become since its establishment in 2001, especially as anonymous reviewers. For this particular issue, we extend our genuine gratitude to our anonymous reviewers who so generously gave of their time, expertise and insights: Lukman Abdulrauf; Akinola Akintayo; Jay Aronson; Evelyne Asaala; David Bilchitz; Yonas Birmeta; Amanda Boniface; Ashwanee Budoo-Scholz; Martie Bradley; Lilian Chenwi; Solomon Dersso; Ebenezer Durojaye; Zozo Dyani-Mhango; Charles Fombad; Ilze Grobbelaar-Du Plessis; Charlemaine Husselmann; Ademola Jegede; Ade Johnson; Anton Kok; Admark Moyo; Gideon Muchiri; Mona Kareithi; Selemeni Kinyunyu; Reina-Marie Loader; Bronwen Manby; Stuart Maslen; Justice Mavedzenge; Michelle Maziwisa; Ngcimezile Mbano-Mweso; Yolandi Meyer; Bonita Meyersfeld; Jamil Mujuzi; George Mukundi; Susan Mutambasere; Tarisai Mutangi; Satang Nabaneh; Zahara Nampewo; Carol Ngang; Chinedu Nwagu; Enyinna Nwauche; Tom Nyanduga; Anita Nyanjong; Benson Olugbuo; Richard Oppong; Thomas Probert; Annika Rudman; Ayo Sogunro; Lee Stone; Marko Scicevic; Ben Twinomugisha; Diya Uberoi; Annette van der Merwe; and Melissa Ziswa.